



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

---

**7700 East First Place      Denver, CO 80230**

ph (303) 364-7700 fax (303) 364-7800

www.ncsl.org

## **State Lead Poisoning Prevention Statutes**

November 15, 2007

Compiled by Doug Farquhar, J.D.

### **Alabama**

**1. Alabama Lead Reduction Act; Training, Certification and Accreditation for Lead-Based Paint Professionals**

ALA. CODE. §§ 22-37A-1 to 22-37A-9 (1997).

Authorizes the State Board of Health to develop a program relating to indoor lead hazard reduction, including the establishment of fee schedules and the disposition of fees levied; requires the certification of persons involved in lead hazard removal activities; provides criminal penalties; creates and provides for special funding; makes an appropriation from the General Fund.

**2. Alabama Lead Ban Act; Restricts products which are not lead free.**

ALA. CODE §§ 22-37-1 to 22-37A-6 (1997).

### **Arizona**

**1. Lead-Based Paint (LBP)**

ARIZ. REV. STAT. ANN. §§ 36-1671 to 36-1676 (1993 & Supp. 1997).

Prohibits certain uses of lead-based paint and authorizes the department of health to develop and conduct programs to prevent, detect and treat lead-based paint poisoning. The statute also:

- requires reporting by physicians of blood/lead above 25 µg/dL;
- provides for educational programs to communicate the danger and prevalence of LBP;
- prohibits the application of LBP to any interior surface, any toy, furniture or eating utensil that may be accessible to children under 7 years, and requires warning label
- defines LBP as 5/10 of 1% by weight as calculated as lead metal;
- requires labels on all LBP that may be sold to the public.



NATIONAL CONFERENCE  
*of* STATE LEGISLATURES

*The Forum for America's Ideas*

3. Training, Certification and Accreditation for Lead-Based Paint  
ARIZ. REV. STAT. ANN. §§ 36-1671 to 36-1676 (1993 & Supp. 1997).

Directs the Department of Health Services to adopt rules implementing a training, certification and accreditation program, gives the department enforcement authority and provides for reciprocity with other states. The bill will be repealed after June 30, 1998 if monies are not appropriated to the department to implement the act.

## Arkansas

1. Lead Poisoning Prevention  
ARK. CODE ANN. §§ 20-27-601 to 20-27-608 (Michie 1991).

Provides for the prevention, screening, diagnosis, and treatment of lead poisoning including elimination of the sources of the poisoning through research, education, epidemiological, and clinical activities. The statute also:

- designates the Department of Health as the Lead Poisoning Prevention and Control agency and grants them the authority to promulgate rules;
- allows political subdivisions to adopt lead standards stricter than federal or state standards;
- provides for the development of a screening program to identify children under 6 years with lead poisoning or potential lead poisoning; poisoned children are to be tested within 3 months;
- establishes a case management program for children identified with EBL and allows the state to investigate the sources of the lead hazards;
- requires the state to notify the owner/occupier of the hazard, and requires discontinuance (abatement) of the paint condition within 30 days;
- provides for the department to promulgate rules regarding abatement;
- prohibits retaliatory action against occupant of affected dwelling;
- grants injunctive relief, restraining order or other legal relief against a contractor or property owner violating this law;
- authorizes the Pollution Control and Ecology Department to license and certify lead-based paint activities training programs, procedures and requirements.

2. Lead-Based Paint-Hazard Act : Lead Training, Certification and Accreditation  
ARK. CODE ANN. §§ 8-4-401 to 8-4-409 (Michie Supp. 1999).

Authorizes the Arkansas Department of Pollution Control and Ecology to adopt administer and enforce a program for the licensing of lead abatement professionals including training programs, procedures and requirements for licensing and certification. Establishes a lead-based paint-hazard fund which shall consist of all of the monies collected under this section. The Department of Pollution Control and Ecology is authorized to promulgate rules to administer the fund and collect such fees as they may require.

## California

1. Childhood Lead Poisoning Prevention Act  
CAL. HEALTH AND SAFETY CODE §§105256-105310 (1996 & West Supp. 1998).

Establishes the Childhood Lead Poisoning Prevention Program within the Department of Health Services and requires them to compile information, identify target areas, and analyze information to design and implement a program of medical follow-up and environmental abatement to reduce childhood lead exposure. The statute also:

- determines a "standard of care" to evaluate all children;
- requires reporting by medical laboratories of EBL over 25 µg/dL (may be lowered to 15 µg/dL);
- requires identification of target areas selected for screening programs;

- provides for field trials of screening and abatement programs;
- orders property owners to abate lead hazards or be subject to civil fines;
- requires the establishment of environmental abatement procedures and the adoption of regulations governing the abatement of lead paint in and on housing;
- imposes a fee on manufactures and other persons involved with the production or selling of lead or lead-based products;
- provides authority for the state to implement and administer a training, certification and accreditation program.

2. Residential Lead Based Paint Hazard Reduction Act  
CAL. HEALTH AND SAFETY CODE § 105250 (West Supp. 1998).

Establishes a program within the department of health services to meet the requirements of the Residential Lead Based Paint Hazard Reduction Act. Gives the department the authority to implement and administer the program including the promulgation of rules and regulations. Requires the accreditation of training providers and the certification of workers who complete training.

3. Toys, Plumbing and Packaging  
CAL. HEALTH AND SAFETY CODE § 108555 (1996).

Prohibits the manufacture, sale or exchange of toys with a lead content in excess of the amount permitted by federal regulations.

CAL. HEALTH AND SAFETY CODE § 116875 (2007)  
Prohibits lead in commercial pipes, fitting and fixtures of more then 0.25%.

CAL. HEALTH AND SAFETY CODE § 111170 (2007)  
Prohibits a glass bottle package with paint or applied ceramic decoration from qualifying for the exemption under the Toxic in Packaging Prevention Act if the paint or decoration contains lead or lead compounds.

4. Disclosure Requirements  
CAL. CIV. CODE §§ 1102.6 - 1102.6c (West Supp. 1998).

Requires the disclosure upon sale of a property any LBP that may be a hazard.

5. Childhood Lead Poisoning Prevention Fee  
CAL. INS. CODE §§ 43057, 43152.14, 43554 (West Supp. 1993).

Provides for the administration and collection of a lead-poisoning prevention fee.

6. Lead-Safe Schools Protection Act  
CAL. EDUC. CODE §§ 32240 to 32245 (1994 & West Supp. 1998).

Implements a lead poisoning prevention and protection program within schools.

8. Lead-Related Activities in Construction Work  
CAL. LAB. CODE §§ 6716 - 6717 (West Supp. 1998).

Provides for the establishment of standards that protects the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation and repair.

**Colorado**

1. Lead Hazard Reduction Program

COLO. REV. STAT. ANN. §§ 25-5-1101 to 1108 (West Supp. 1998).

Establishes the Lead Hazard Reduction Program within the Department of Public Health and Environment; requires the Department on or before July 1, 1998, to establish a comprehensive plan to reduce elevated blood lead levels in children and control exposure to lead-based paint hazards in residences and child-occupied facilities.

2. Lead-Based Paint Abatement

COLO. REV. STAT. ANN. §§ 25-7-1101 to 1107 (West Supp. 1998).

Requires the Air Quality Control Commission to promulgate rules to implement a training and certification program for lead professionals. Authorizes the commission to establish fees to cover the cover the costs of the program.

## Connecticut

1. Financial assistance for removal of lead-based paint and asbestos

CONN. GEN. STAT. ANN. § 8-219e (1989 & Supp.1998).

Provides for loans and grants up to 2/3 cost of the abatement to persons seeking to abate the hazards of LBP.

2. CONN. GEN. STAT. ANN. § 10-206, 10-206b (2001).

The local or regional boards of education shall require each pupil to have a health assessment that may include testing for lead levels in the blood.

3. Department designated as lead agency for licensure of day care centers, group day care and family day care homes.

CONN. GEN. STAT. ANN. §§ 19a-80, 19a-87b (1997).

Designates the Department of Public Health as the agency responsible for licensure of child day care centers and group day care homes. Requires the commissioner of public health to issue, upon receipt of application for a license, such license if after inspection and investigation, the facilities are found to meet the health, educational and social needs of children.

Designates the Department of Public Health as the agency responsible for licensure of family day care homes. Requires the department to inspect family day care homes for any evident sources of lead poisoning prior to its being licensed by the department. The department shall make unannounced inspections of at least 1/3 of the licensed homes each year.

4. Report of lead poisoning. Investigation. Preventative measures. Relocation of families. Reports. Regulations.

CONN. GEN. STAT. ANN. §§ 19a-110, 19a-111a-e (1997)

Regulations of Connecticut State Agencies Sec. 19a-36-A3

Requires private clinical labs to report to the commissioner of public health and the local director of health information regarding each person found to have a level of lead in the blood equal to or greater than 10 micrograms per deciliter.

Requires physicians to report to the commissioner of public health and the local health director each person found to have a level of lead in the blood equal to or greater than 20 micrograms per deciliter.

Requires laboratories to submit a monthly report to the commissioner of Public Health that contains detailed information about the person being tested, information about the health care



provider ordering the test, the date of the test, the analysis and the result, laboratory identifiers, and any other information required by the commissioner. These requirements apply regardless of the level of lead found in the person's blood. The Act also discusses the circumstances where two laboratories are involved.

Upon receipt of a report of venous blood lead level equal to or greater than 20 micrograms per deciliter the local health director shall make or cause to be made an investigation of source of lead causing the increased lead level. The local health director will require action be taken by the persons responsible for such condition and, if necessary shall, using such community resources as are available, relocate the occupants of the building.

Requires the establishment of a lead poisoning prevention program, an education and early diagnosis program, and regulations regarding abatement of lead-based paint. Specifics of the above statutes include:

- the establishment of a program to provide services, including but not limited to the prevention and elimination of lead poisoning through research, abatement, education, and epidemiological and clinical activities;
- the initiation of educational and publicity programs to inform the general public, teachers, social workers, human service personnel, and owners of residential property of the dangers, frequency and sources of lead poisoning and methods of prevention;
- the establishment of an early diagnosis program to detect cases of lead poisoning;
- the establishment of a program to detect the sources of lead poisoning;
- the requirement of owners of dwellings containing toxic levels of lead and in which children under the age of six (6) reside to abate or manage such dangerous materials consistent with regulations;
- the authorization of any liquid, cementitious or flexible encapsulant product which complies with an appropriate standard and the maintenance of a list of such encapsulant products that may be used for abatement of lead.

5. Standards for licensure of lead abatement contractors and lead consultant contractors and certification of lead consultants, lead abatement supervisors and lead abatement workers. CONN. GEN. STAT. ANN. §§ 20-474 to 20-482 (Supp. 1998).

- Prohibits that no entity shall hold itself out as a lead abatement contractor or lead consultant contractor without a license issued by the commissioner of public health. The department shall review the technical, equipment and personnel resources of each applicant.
- Provides that no person shall hold himself out as a lead consultant, lead abatement supervisor or a lead abatement worker without a certificate issued by the commissioner of public health.

6. Use of paint in tenements and municipally-owned buildings. CONN. GEN. STAT. ANN. § 21a-82 (1994).

Prohibits the use of any paint on an interior surface of any tenement or municipally-owned building unless such paint conforms to standards of the Lead-Based Paint Poisoning Prevention Act, Chapter 63 of the Social Security Act.

## Delaware

1. DEL. CODE ANN. tit. 31 § 4114 (1997).

Prohibits the use of paint with more than 0.5 % lead on any surfaces of a dwelling or dwelling unit, including fences and outbuildings.

2. Lead Poisoning Prevention  
DEL. CODE ANN. tit. 16 §§ 2602-2605 (2001).

Permits the Department of Health and Social Services to promulgate regulations for the training and certification of individuals engaged in lead-based paint activities, the accreditation of lead-based paint hazard control training programs, and the establishment of lead-based paint hazard work practice standards; imposes license fees. Other provisions include:

- a requirement for child-care facilities, public and private nursery schools, preschools and kindergartens to screen every child born after March 1, 1995 unless their parent objects;
- requires all individual health insurance policies that provide benefit out patient services to cover blood lead screening for children at 1 year of age;
- directs primary health care providers to screen children for lead poisoning at 1 year of age; and
- requires all laboratories doing testing to participate in an universal reporting system.

### **District of Columbia**

1. Lead-Based Paint, Lead Poisoning Prevention  
D.C. CODE ANN. § 6-997.1 -.14 (Supp. 1998).

Requires the establishment of a program for the reduction, elimination and abatement of lead based hazards including standards and procedures for conducting lead-based paint activities and community outreach and education.

Requires certification by the mayor before any individual may engage in any lead –based paint activity. Certification requires completion of an accredited training course, passing an exam and meeting any other requirements established by the mayor. Also requires that all business entities be certified before engaging in any lead-based paint activity. Certification of a business entity requires that all employees or subcontractors be certified and that the business entity and its employees and subcontractors comply with all district and federal laws.

Requires accreditation of all training providers.

Requires that before an entity or individual may conduct any lead-based paint abatement that the individual or entity obtain a permit from the mayor. Describes permit procedures. Also requires that entities and individual keep records of lead-based paint activities. Allows inspections by the mayor.

3. Lead Based Paint Abatement and Control Act  
D.C. CODE ANN. § 8 -115.01 – 115.14 (Supp. 1999).

### **Florida**

1. Waste tire and lead-acid battery requirements  
FLA. STAT. § 403.717 (1998).

Establishes fees, rules and regulations for lead-acid battery manufacturing and remanufacturing.

2. Hazardous occupations prohibited  
FLA. STAT. § 450.061 (Supp. 1998).

Prohibits employment of individuals under 15 years of age to work with lead-based paint or any dangerous lead-based product.

## Georgia

### Lead Poisoning Prevention

GA. CODE ANN. §§ 31-41-1 to 31-41-19 (West 2000).

Provides for the promulgation of regulations regarding training, licensing and certification of persons performing lead hazard reduction activities; sets standards for performing such activities; provides for reciprocity; and provides for fees, among other purposes. The law also provides for:

- lead-based paint is defined as paint with lead in excess of limits established by board of natural resources;
- lead contaminated soil, dust and waste is defined as in excess of limits established pursuant to § 403 of the Toxic Substances Control Act;
- lead based paint activities means the inspection and assessment of lead hazards and the planning, implementation, and inspection of interim controls and abatement activities as determined by the department;
- lead based paint hazard means any condition that causes exposure to lead or lead contaminated substances that is present in accessible surfaces that would result in adverse human health effects as established pursuant to § 403 of the Toxic Substance Control Act;
- lead based paint activities by licensed and/or certified individuals;
- licensing and certification requires training by a state accredited training provider; and
- civil penalties may not exceed \$10,000.

## Hawaii

### 1. Training, Certification and Accreditation for Lead-Based Paint Professionals

HAW. REV. STAT. §§ 321.13 (Michie 2000).

The state statute authorizes the department of health, with the approval of the governor, may adopt rules deemed necessary for public health and safety respecting environmental health professionals.

The term “environmental health professional” was adopted to replace the words “lead inspectors, lead risk assessors, lead abatement workers, lead abatement supervisors, and lead abatement project designers.”

### 2. HAW. REV. STAT. §§ 342P-1 to 342P-44 (1996 & Supp. 2002).

Authorizes the Department of Health to establish standards and notification requirements for lead abatement activities in dwellings and child occupied facilities. Also authorizes the Department of Health to establish an accreditation program for lead inspectors and risk assessment specialists.

Establishes an asbestos and lead abatement special fund. All money collected for inspections, permits, licenses, certificates, notifications, variances and reviews shall be deposited into this account. The money shall be used to fund the costs of the training programs, education, outreach and accreditation of training programs.

## Illinois

### 1. Lead Poisoning Prevention Act

ILL. REV. STAT. ch. 410 para. 45/1 to 45/17; 45/6.3 (1996 & Supp. 2004).

Provides for the establishment of a lead poisoning prevention program under the Department of Public Health and directs the department to perform certain activities. The statute also prohibits or regulates the use of lead-bearing substances. Specifics of the statute include:

- defining "lead-bearing substance" as any paint or surface coating containing more than 5/10 of 1% lead by weight or such lower standard as may be established by federal law or regulation;
- prohibiting the use of lead-bearing substances on any exposed surface of a dwelling or dwelling unit, or any toys, utensils, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements furniture or any article used or chewable by children;
- prohibiting the sale of any lead-bearing substances including furniture, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, or other articles used by or intended to be chewable by children;
- requiring warning labels on products containing lead;
- requiring warning statement where paint supplies and removal of paint supplies are sold;
- requiring child care facilities to annually send parent informational packets regarding lead-based paint and lead poisoning;
- directing physicians and health care providers to screen children six months to six years of age for lead poisoning living in high risk areas;
- requiring directors of clinical laboratories to report within 48 hours results of all positive blood lead analysis performed in their facility, all negative results must be reported to the department in accordance with rules adopted by the department but not less than 30 days after the end of the month in which the negative results are obtained;
- granting authority to the department to investigate sources of lead in dwellings, to provide for notification, and to require the owner to remove, replace, or secure a covering over the lead-bearing substance in a manner that will not endanger the health or well-being of its occupants;
- demanding electronic records of all children less than 7 years of age who receive health care benefits of the history of claims for each child to determine the frequency and extent of lead poisoning in the state;
- requiring buildings with children under 3 with an EBL to have the dwelling unit and common areas to be tested for lead hazards;
- requiring building owners who have been issued a mitigation notice to post notice in the common areas of the identified lead hazards;
- allowing the department to inspect buildings where multiple mitigation notices are issues to two or more dwelling units within a 5-year time period; requiring the owner to mitigate the lead hazards within a reasonable time.

2. Lead Poisoning Prevention Fund  
ILL. ANN. STAT. ch. 765 para. 35/102.2 (1998).

3. Paints, oils and other compounds  
ILL. ANN. STAT. ch. 121 1/2 para. 81-84 (Smith-Hurd 1960).

Requires warning labels on any product containing more than 1% lead by weight.

3. Procurement Code  
ILL. ANN. STAT. 50-14.5 (2006)  
prohibit willful and knowing violators of the Lead Poisoning Prevention Act from doing business with the State or a State agency

4. Comprehensive Lead Education, Reduction, and Window Replacement Program Act  
Ill. Ann. Stat. ch. 410 para 43/1 to 43/30  
Assist residential property owners through loan and grant programs to reduce lead paint hazards through window replacement in pilot area communities. Where there is a lack of workers trained to remove lead-based paint hazards, job-training programs will be initiated. The General Assembly also recognizes that training, insurance, and licensing costs are prohibitively high and hereby establishes incentives for contractors to do lead abatement work.

## Indiana

## 1. Lead-Based Paint Activities

IND. CODE ANN. §§ 13-17-14-1 TO 13-17-14-11 (BURNS SUPP. 2002).

Requires the Department of Environmental Management to establish a lead-based paint activities program to ensure that a person conducting lead-based paint activities in certain specified housing and child-occupied facilities does so in a manner that protects the health of the building's occupants, especially children six (6) years of age and younger. It also requires a person who engages in lead-based paint activities to obtain a license from the department of environmental management.

The bill prohibits a contractor from allowing an employee to engage in a lead-based paint activity without a license to do so. Additionally, the air pollution control board is required to adopt rules to implement lead abatement provisions. The legislation provides for fees for a lead-based paint activities license and for a lead-based paint activities training course provider's license. A lead trust fund was established to pay the expenses of administering the laws pertaining to lead-based paint activities and costs related to implementing federal rules concerning lead-based paint activities.

The legislation provides for penalties that the department of environmental management may impose on contractors and other holders of lead-based paint activities licenses for failure to comply with specified requirements. It also allows the state Department of Health to adopt rules to carry out a program to reduce lead poisoning throughout the state.

## 2. Childhood lead poisoning

IND. CODE ANN. §§ 16-41-39.4-1 to 16-41-39.4-4 (BURNS SUPP. 2003).

Authorizes the state department of health to determine the extent of lead poisoning in children under six, provide consultation and education to medical providers regarding lead poisoning, receive and analyze blood samples, work with local health departments on lead detection and provide outreach and education to consumers and develop and maintain a database of children with lead poisoning.

IND. CODE ANN. §§ 20-8.1-7-11, 20-8.1-7-15 (Burns 1997 & Supp. 1998 ).

Requires schools to file a report within 60 days of a child's first attendance at school that contains the number of children who have been found positive for lead poisoning. Allows a school to require that its students be tested for lead poisoning.

## Iowa

### 1. Lead Abatement Program

IOWA CODE ANN. §§ 135.100 -105c (West 1997 & Supp. 2001).

Establishes a lead abatement program within the Department of Public Health. The statute requires the department to implement and review programs designed to eliminate or reduce dangerous levels of lead in children. The statute also requires the department to:

- focus their priorities on targeted areas identified with children with elevated blood lead levels;
- implement a lead abatement grant program for communities with matching funds; to receive the funding the community must provide effective outreach, a screening program, a case management program, perform environmental assessments of homes, and agree to continue the program after state funding lapses;
- maintain laboratories for the abatement program;
- determine the maximum blood/lead levels for children;
- requires that children receive a blood lead test by age six or prior to enrollment in an elementary school;
- provides for reimbursement of health care services for providers;



- coordinate a lead abatement program with the University of Iowa and the Department of Natural Resources;
- prioritize the necessity of proposed lead abatement programs.
- establish a program for the training and certification of lead inspectors and lead abaters; this training is required;
- the department shall maintain a list of those who has successfully completed training and received certification;
- establish a training program for painting, demolition, and remodeling contractors; this is voluntary training;
- for housing constructed prior to 1978, the department shall require that any person who performs remodeling or painting provide the owner and occupant of the dwelling with an approved pamphlet containing lead hazard information;

## 2. Packaging--heavy metal content

IOWA CODE ANN. § 455D.10 to 455D.25 (West Supp. 2007).

Prohibits the distribution of products with more lead than 1 part per million in the packaging of any product. Persons involved with storing or delivery of such products are exempt.

## **Kansas**

### 2 Development and implementation of prevention program; licensure training and inspections; fees; rules and regulations

KS. STAT. 65-1,202, 65-1,204 – 1,213

Establishes a childhood lead poisoning prevention program within the department of public health, with the authority to develop the program, investigate the extent of lead poisoning in the state, provide for surveillance and data management, educate health care providers, recommend how and when children should be screened, and develop a program to assist local health departments in screening children and providing case management services for lead-poisoned children and other prevention services. Other aspects include:

- Identification of high risk areas and target groups;
- Development of a licensure program for business and public agencies, certification of individuals and training programs, requirements for inspections and work practices to protect public health and safety;
- Establish fees to support the program
- Distribution of lead hazard information to owners and occupants of housing prior to renovation activities; and
- Rules to address the disposal of lead-hazard waste.

### 2 Licensure of certification to perform lead-based paint activities

KS. STAT. 65-1203

Prohibits a business entity or public agency from engaging in lead-based paint activities without a proper license; individuals may not engage in lead-based paint activities unless certified by the state. Owner/occupiers or business and public agencies doing work on nonresidential dwellings are exempt from certification and licensure, but must follow work practice guidelines and statutes.

## **Kentucky**

### 1. Lead Poisoning Prevention

KY. REV. STAT. ANN. §§ 211.900-211.905, 211.9061-211.9065, 211.990 (Michie 1982 Supp. 1998).

Provides the authority for the secretary for Human Resources to establish a lead poisoning prevention program including the screening, diagnosis and treatment of lead poisoning. The



statute also:

- defines "lead-based substance" as more than 0.06% lead by weight;
- directs the secretary of human resources to initiate laboratory programs and financial assistance;
- requires reporting of blood/lead levels 25 µg/dL or greater by physicians and other health officials;
- makes screening for lead poisoning part of the regular immunization program;
- provides for the establishment of educational programs;
- grants secretary the authority to inspect sources of lead poisoning, notify owner/occupants of the findings, demand the removal, replacement, or securing of lead based surfaces, and to enforce these provisions;
- authorizes a training, certification and accreditation program;
- § 211.990 establishes criminal penalties for violations of § 211.9061 to 211.9065.

## 2. Lead-based paint

KY. REV. STAT. ANN. § 217.801 (1991).

Restricts the sale of lead-based paint containing more than 0.06% lead by weight, requires warning labels on packages containing lead-based products, and prohibits the use of lead-based paint on toys, furniture, or any surface easily accessible to children under 7 years.

## Louisiana

### 1. Lead paint poisoning prevention and control act

LA. REV. STAT. ANN. §§ 40:1299:26 to 40:1299:29 (1992 & West Supp. 2004).

This act originally established a comprehensive lead poisoning control program, but was repealed in 1989. The act currently encompasses the sale and use of lead-based paint, the removal or repainting of such surfaces, and the enforcement of such provisions. Specifically the act:

- prohibits to sale or use of lead-based paint on any interior surfaces, exterior surfaces accessible to children under 6 years, toys or other articles used by children, furniture and fixtures readily chewable by children, and cooking, eating and drinking utensils;
- requires warning labels in packages containing lead-based paint;
- defines lead-based paint as paint containing lead in excess of the amount allowed by the federal government;
- requires owners to remove or cover paint, plaster, or other accessible materials containing dangerous levels of lead if a child under 6 years or a mentally retarded person resides at the premises;
- provides for enforcement of these provisions.

### 2. Lead Hazard Reduction, Licensure and Certification

LA. REV. STAT. ANN. §§ 30:2351-2351.59 (West Supp. 1998).

This law provides for lead hazard reduction. Included in the bill are licensure and certification requirements for lead abatement and inspection professionals, abatement provisions, disposal requirements, authority to promulgate regulations relating to lead hazard reduction, and funding for such programs.

This law authorizes the Department of Health and Hospitals to establish a statewide program for the prevention and treatment of lead poisoning; creates responsibilities for the state health director to address lead poisoning.

## Maine

### 1. Lead Poisoning Control Act



ME. REV. STAT. ANN. tit. 22 §§ 1314 to 1327 (West 1992 and Supp. 2003).

Enacts a lead poisoning control program that encompasses the restriction of sale and use of lead-based products, an early diagnosis program, educational outreach, reporting requirements, inspections by public health officials, notice to remove hazards, enforcement provisions and grants the Department of Human Services the authority to implement these activities. Specifics of the act include:

- defining a lead-based substance as any paint, plaster or other surface material containing more than 0.5% lead by weight;
- restricting the sale or use of lead-based substances in toys, household furniture, fixtures, or any exposed surface of any dwelling, dwelling unit, or child care facility;
- establishing an early diagnosis program to screen children between 1 and 6 years (parents may object to screening on religious grounds);
- initiating an educational and publicity program to inform the public on the dangers of lead;
- require health care providers to advise parents of young children of the availability and advisability of having children screened for lead; if the provider receives state funds it must perform screening;
- requiring warnings on packaging containing lead-based products;
- reporting requirements by any physician who identifies persons with EBL;
- requiring licensure of lead inspectors and abaters;
- requires all residential child-care facilities and preschool facilities have environmental lead inspections once every 3 years by a certified inspector;
- prohibits the use of lead-based substances upon any exposed surface of a dwelling, residential child care facility, or a preschool facility; and
- granting the department the authority to inspect dwelling units to ascertain the presence of lead, to provide notice to owners/occupants, and to order the removal, replacement, or the covering of surfaces containing lead-based substances.

## 2. Reducing of toxics in packaging

ME. REV. STAT. ANN. tit. 32 § 1733 (West Supp. 1997).

Prohibits the use of lead in any packaging or container used in the marketing, protecting, or handling of a product.

## 3. Lead Poison Control Act

ME. REV. STAT. ANN. tit. 22 § 1314-A (1992 & West Supp. 1997).

Amends the Lead Poison Control Act; clarifies the definition of certain terms; expands the focus of the Act from protection children to protection the public as a whole; directs the Department of Humans Services to maintain a central registry of information from health-care providers, facilities and programs on lead poisoning; limits the award of damages for all losses involving lead poisoning \$250,000; establishes lead warning requirements on the sale of paint and related items.

## 4. Lead Poison Control

ME. REV. STAT. ANN. tit. 38 §§ 1291-97 (West Supp. 2003).

Ensures safe abatement of lead hazards.

- Abatement means any measure or set of measures designed to permanently eliminate lead-based paint hazards; abatement does not include renovation and remodeling;
- Lead-based paint activities means inspection, risk assessment, lead abatement design, lead abatement and services related to lead based paint such as lead screening, lead determination and deleading;

- A person may not engage in any lead based paint activities unless license or certified;
- A person who is over the age of 18 need not obtain a license to perform lead abatement activities within a residential dwelling unit that the person owns and personally occupies as long as a child residing in the dwelling has not been identified as lead poisoned; if a lead poisoned child has been identified in the dwelling the person need not obtain licensing and certification as long as he or she completes any training required by the Department of Human Services.

#### 5. Assessment and Mitigation Services

ME. REV. STAT. ANN. tit. 5 §1742-E (West Supp. 1997).

Establishes the Division of Safety and Environmental Services under the Bureau of General Services in the Department of Administrative and Financial Services as the local state agency responsible for asbestos, lead and indoor air quality matters and directs the division to provide asbestos, lead and air quality assessment and mitigation oversight services to public schools and state facilities.

#### 5. Notice of Renovations

Me. Rev. Stat. Ann. 14 §6030-B

Requires property owners to give tenants 30 days notice of an environmental lead hazard prior to any repair, renovation or remodeling activity in residences built before 1978.

## Maryland

### 1. Lead-based paint

MD. CODE ANN., ENVIR. § 6-301 to 6-304 6-801 to 6-852; 6-901 to 6-903; 6-1001 to 1-1005 (Michie 1996 & Supp. 2000).

Prohibits the use of lead-based paint on any interior surface, on any exterior surface commonly accessible to children, or any article that is intended for household use. The act also requires physicians to report persons with EBL levels, and creates an advisory council to explore the problem of lead poisoning. Requires local health departments who receive reports of children with blood levels greater than or equal to 25ug/dl and less than 20ug/dl to notify the child's parents and the owner of the dwelling if the child lives in rental housing.

Provides for the accreditation of training providers and the certification and licensure of lead abatement professionals.

### 2. Reduction of Lead Risk in Housing

MD. CODE ANN., ENVIR. §§ 6-801 to 6-852 (Michie 1996 & Supp. 2001).

Establishes a lead poisoning prevention commission, the lead poisoning prevention fund, and risk reduction standards for affected properties; requires owners of affected properties to register those properties and perform risk reduction activities. Provides for immunity from liability under certain circumstances, specifies insurance requirements for certain insurers and owners, includes other provisions.

Establishes a comprehensive program to address lead removal, maintenance standards, registration of affected properties, and liability provisions, including:

- requirements for residential rental properties who chose to adopt the risk reduction standards;
- requirements for properties to pass testing for lead-contaminated dust or performing lead hazard reduction treatments upon each change in occupancy;
- notification to tenants of their rights under this law;
- offer lead poisoning information packet to each tenant;
- establishes a lead poisoning prevention fund to compensate poisoned children;
- allow an owner to provide a "qualified offer" to a lead-poisoned tenant prior to a tenant suing the owner;



- provides for liability limitations for owners following these requirements.

3. Failure of lessor to remove lead-based paint; rent escrow  
MD. CODE ANN., REAL PROP. § 8-211.1 (Michie Supp. 2000).

Provides for a lessee of a rental property which the lessor has failed to remove lead-based paint within 20 day of notice to deposit rent with the District Court where it will be held until the lessor has remedied the situation. The tenant may not be evicted or be subject to an increase in rent for exercising this remedy.

## Massachusetts

1. Lead Poisoning Prevention and Control  
MASS. GEN. L. ch. 111 §§ 189A to 199B (1996 & West Supp. 1998).

Establishes a comprehensive lead poisoning prevention program. The act directs the program to promulgate regulations regarding screening of children under 6 years and pregnant women, guidelines for medical follow-up, and procedures for reporting EBL levels. The act also includes:

- an educational and publicity program to inform the general public;
- an early diagnosis program to examine all children under 6 years and a recording system of children examined;
- a program to detect sources of lead, providing for inspections of residential premises, procedures to notify owners/occupants, and screening of residents 6 years or less;
- establishes a loan program for lead abatement in the commonwealth of Massachusetts;
- a provision to allow the director to designate emergency areas identified with high levels of lead poisoning that will receive special attention during inspection;
- the establishment of a lead poisoning laboratory;
- a prohibition of the sale or use of lead-based paint, glaze, or other such products if they contains more than 6/100 of 1% lead by weight;
- a provision that requires the owner of a residential premises to remove or cover lead-based materials so as to make them inaccessible to children under 6 years, and a provision forbidding discrimination against any renters, lessees, or persons seeking financing;
- a provision that requires disclosure of lead hazards to prospective purchasers of property and the availability of inspections;
- a licensing procedure for persons who inspect or delead (abate) to assure those persons have been trained in the areas of safe work practices, health risks, precautionary measures, and other safeguards;
- a certification procedure for private laboratories;
- the authority for the revocation, suspension or cancellation of any such license or certification;
- enforcement provisions to punish violators of this law.

## Michigan

1. Review of environmental statutes, lead-based paint  
MICH. COMP. LAWS § 333.12104 (1992).

Directs the Department of Health to make recommendations to the governor and legislature on several environmental health risks, including lead.

2 Lead Testing for WIC Children  
MICH. COMP. LAWS §§ 400.1 to 400.119b (2007).  
Requires lead testing for all children enrolled in the supplemental food program for WIC recipients.

### 3. Lead Abatement Act

MICH. COMP. LAWS §§ 333.5451 to 333.5477 (2002).

Requires certification for any person who is engaging in a lead based paint activity. There are five disciplines for which the department of health will certify a person, inspector, risk assessor, supervisor, project designer, and abatement worker. For all disciplines but project designer, a person must take a training course and receive a course completion certificate from an accredited training program, meet the experience or education requirements and pass a third party exam for the appropriate discipline. For project designers, they must complete an accredited training course and receive a certificate of completion and meet the experience or education requirements. To become certified a person must submit an application, and pay a fee.

Authorizes the department of health to promulgate rules to administer and enforce this act. Requires the department to establish a program to educate those who would come in contact with lead including homeowners, remodelers and maintenance staff.

Requires that the department of health establish a Lead Poisoning Prevention Program that includes prevention of childhood lead poisoning educational and community outreach, and reporting of all blood lead level tests. If such a test exceeds 10 micrograms per deciliter the department must contact the local health department or physician. Requires reporting of blood lead levels in children that exceed 10 micrograms per deciliter to the state legislature annually.

Requires the accreditation of training programs by the department of health. Provides fees for accreditation and re-accreditation.

## Minnesota

### 1. Childhood Lead Poisoning Act

MINN. STAT. ANN. §§ 144.9501 to 144.9509 (West Supp. 2001).

Provides for the Department of Health to establish a childhood lead poisoning prevention act, including requirements for licensing of contractors and inspectors, proper abatement methods, interim controls, swab teams, identification of persons at high risk for elevated blood lead levels, lead surveillance, primary and secondary prevention and provides enforcement. Specifics of the act include:

- directives for construction, renovation, remodeling or maintenance activities not considered abatement to prevent the creation of lead hazards;
- primary prevention to prevent toxic lead exposures before poisoning;
- secondary prevention to mitigate exposure after poisoning;
- assessments to determine sources of lead contamination;
- reporting by laboratories of samples;
- certification of lead-safe housing;
- screening of children 6 years and younger in high risk areas;
- the development of a residential abatement guide;
- requirements for property owners to abate if lead sources at their property exceed the standards if children under 6 years or pregnant women with blood/lead levels over 10 µg/dL reside there;
- clearance inspections to ensure the abatement procedures were effective;
- a registration requirements for abatement contractors; and
- provisions for the commissioner of the board of health to adopt lead standards and abatement methods.

### 2. Residential Lead Paint Waste

MINN. STAT. ANN. §§ 116.87 to 116.89 (1997).

Provides for the proper and identifies the illegal disposal methods for residential lead-based paint and lead contaminated soil.

3. Grants for Residential Lead Paint and Lead Contaminated Soil abatement  
MINN. STAT. ANN. § 462A.21 (1991 & West Supp. 2003).

Makes available grants for the abatement of hazardous levels of lead via the Housing Development Fund.

3. Relating to the Manufacture and Sale of Jewelry Products Containing Lead  
MINN. STAT. ANN. § 325E.385 (2007).  
Regulates the manufacture and sale of lead-containing jewelry.

## **Mississippi**

1. Lead-Based Paint Activity Accreditation and Certification Act  
MISS. CODE ANN. §§ 49-17-501 to 49-17-31 (1997).

Authorizes the Department of Environmental Quality (DEQ) to establish, implement and enforce a program for the accreditation and certification for those involved in lead abatement activities in target housing, child-occupied facilities and other facilities regulated under TSCA §402. Accreditation of training providers is also included. The Department is authorized to collect fees to support the program. The legislation also provides for reciprocity with other states.

2. Real Estate Transfer Disclosure Requirements  
MISS. CODE ANN. §89-1-509 (1997).

Requires the seller of property to disclose any known problems that exist due to the use of lead-based paint.

## **Missouri**

1. Lead Poisoning Prevention  
MO. STAT. ANN. §§ 701.300 to .345 (Vernon 1988 & Supp. 1998).

Provides for the establishment of a lead poisoning prevention program and commission. The program requires the department of health to set standards for blood lead levels, residential abatement, inspections, and training; provide for the licensure and accreditation lead abatement and inspection professionals; and establishes enforcement authority. The act also provides for educational and outreach programs. Other provisions include:

- requires notification by the state to a property owner whenever lead hazards are found and recommendations to reduce lead levels;
- grants political subdivisions the right to implement and enforce a higher standards than the federal or state standard; and
- establishes a lead poisoning information reporting system.

2. Lead-Based Paint Activity Accreditation and Certification Act  
MO. STAT. ANN. §§ 49-17-501 to 531 (Vernon 1997).

## **Nebraska**

1. Environmental Lead Hazard Control Act  
NEB. REV. STAT. §§ 71-6318 to 71-6333 (West 2003).

Requires any person or business entity that engages in a lead abatement project to hold a valid license as provided in the Environmental Lead Hazard Control Act. The law establishes a

training and certification program and includes enforcement provisions. Other provisions include:

- violation of the law is a civil penalty of not more than \$25,000 for the first offense and not less than \$25,000 nor more than \$100,000 for each subsequent offense; and
- unpaid civil penalties may be collected by foreclosure or a civil suit; moneys from penalties are earmarked for the school fund.

### 3. Childhood Lead Poisoning Prevention Act

NEB. REV. STAT. §§ 71-2513 to 71-2517 (West 2003).

Recognizes the serious threat that poisoning poses to children. Allows the department of health to develop a statewide lead hazard awareness action plan and provide information and education to the public, parents, health care providers, and educators to increase awareness.

## New Hampshire

### 1. Lead paint poisoning prevention

N.H. REV. STAT. ANN. §§ 130-A:1 to 130 A:18 (2007).

Provides for inspections, notice and removal, prohibits certain acts, and grants authority to the director of public health to promulgate regulations regarding lead poisoning prevention. Specifics of the act include:

- prohibitions on the use or application on any dwelling unit or child care facility any lead-based substance as defined by federal standards;
- provisions for the department to inspect dwellings or child care facilities only when there is reasonable grounds to do so;
- provisions to notify the owners/occupiers of lead hazards;
- requiring the department to conduct an inspection of all units within a dwelling if one unit is identified with lead-based paint hazards;
- provisions for notification to the owners and all occupants;
- prohibitions against knowingly renting dwelling units to children under 6 years of age;
- prohibitions on children being present during the abatement of lead hazards;
- provisions allowing interim controls for certain dwellings for no more than 2 years;
- license lead abatement training providers, contractors, workers, supervisors, inspectors, and risk assessors;
- covers state-ordered abatements, relocation of tenants, reciprocity with other states, and funding to cover the costs of the program.

The law applies to landlords, day care centers, and rental property owners. Person with four dwelling units or less are exempt from licensing, but take the training and follow rules for abatement.

## New Jersey

1. N.J. REV. STAT. ANN. §§ 26:2-130 to 137.7 (West 1996 & Supp. 1998).

Promulgates regulations for lead poisoning prevention through the Administrative Procedures Act. The statute requires the commissioner of the department of health to promulgate regulations to identify sources of lead within dwellings, to establish testing procedures to detect lead in persons, to stimulate professional and public education concerning the need to test, detect, and control lead poisoning and to abate identified lead hazards. The statute also includes:

- provisions to screen every child 6 years and under for lead poisoning;
- notification requirements to parents or guardians as to the results of the screening;

- provisions that require every health insurance plan covering a group of 50 or more persons, including HMO's and Managed Care, to cover the cost of lead screening and childhood immunizations, without any deductible;
- a grant program to provide loans to local boards of health to abate lead paint nuisances pursuant to this act;

## 2. Lead Evaluation and Abatement

N.J. REV. STAT. ANN. §§ 26:2Q-1 to 26:2Q-12 (West 1997).

- Requires certification by the department of health before a person can perform a lead evaluation or lead abatement;
- Requires the commissioner of health to establish a certification program to assure that lead abatement and evaluation work is done safely;
- Certification shall require completion of the certification training course, and passing a department approved exam and any other requirements established by the department;
- Requires that certification be in writing with a picture identification signed and dated by the commissioner;
- Requires the department to develop offer, or accredit the requires training courses, details the requirements for the training courses;

## 3. Paint containing lead

N.J. REV. STAT. ANN. §§ 24:14A-1 to 24:14A-11 (West 2003).

Prohibits the use of LBP on certain products, on the interior or exterior of any building readily accessible by children, provides for abatement procedures, notification and enforcement penalties. Specifics of the act include:

- the definition of lead paint as any pigment, liquid substance applied to surfaces by brush, roller, spray or other means in which the total nonvolatile ingredients contain more than 1% of lead by weight;
- the board health authority to order an owner to remove and dispose of such lead paint, if an individual in the unit is suffering from lead poisoning, abatement must be done within 10 days;
- provisions forbidding an owner to evict an occupant for the purpose of avoiding abatement procedures; and
- provisions for the enforcement of these rules.



## **New York**

### **1. Control of lead poisoning**

N.Y. PUB. HEALTH LAW §§ 1370 to 1376-a (McKinney 1990 and Supp. 1998).

Provides for the prohibition of sale of certain products containing LBP, the abatement of lead poisoning conditions, and the enforcement for these rules and regulations. Also provides for a lead poisoning prevention program including the screening of pregnant women and children, a registry of children with elevated blood levels and a program coordinate lead poisoning prevention, exposure reduction, and identification and treatment activities with state, federal and local agencies. Specifics of the act include:

- creation of the New York state advisory council on lead poisoning prevention;
- authorizes the department to promulgate rules to establish the means and timetables for screening of children and pregnant women for elevated blood levels of lead;
- requires screening of children under 6 years of age within three months after enrollment in any pre-school, day care provider or nursery school;
- requires that any physician or practitioner must give notice of elevated blood lead levels to the health officer of the district where the patient resides;
- defining "paint condition conducive to lead poisoning" as any paint or surface coating containing lead in a condition accessible for ingestion or where peeling or chipping of the paint occurs or is likely to occur;
- a prohibition on use of LBP containing more than 1/2 of 1% lead by weight on any interior surfaces or window frames or porches on any dwelling;
- provisions regulating abatement including notification to owner/occupant in areas of high risk to discontinue use of LBP or to prescribe methods of discontinuance which may include removal of LBP;
- prohibitions on the sale of glazed ceramic ware with excess amounts of lead.

### **2. Hazardous Packaging**

N.Y. ENVTL. CONSERV. LAW §§ 37-0201 to 37-0213 (McKinney 1997).

Prohibits the use of lead over 0.01% by weight after January 1, 1994.

## **North Carolina**

### **1. Lead Poisoning in Children**

N.C. GEN. STAT. §§ 130A-131.5 to 130A-131.9G (Michie 2003).

Requires the Commission to adopt rules for the prevention and control of lead poisoning in children. Specifics of the rules the Commission shall adopt include:

- reporting requirements by laboratories of children under 6 years with EBL levels;
- the department to determine a maximum standard for elevated levels of blood lead;
- investigations to determine the sources of EBL done by the department;
- identifications of lead poisoning hazards;
- examination and testing of children less than 6 years who are reasonably expected to have EBL;
- abatement of lead poisoning hazards in dwelling, schools and day care facilities determined by the department to be a potential source of EBL in children less than 6 years, removal of the children shall not constitute abatement;



2. Lead-Based Paint Hazard Management Program  
N.C. GEN. STAT. §§ 130A-453.01 to 130A-453.11 (Michie 1997).

Establishes an authorized state program to meet federal requirements under section 404 of the Toxic Substances Control Act. The statute requires:

- establishment of a training, certification and accreditation program for lead abatement professionals;
- that a person meet certain requirements before becoming certified, these requirements include education, training, experience, passing an examination and paying a fee;
- that a person obtain a permit before doing any abatement on target housing or a child occupied facility;
- that the commission promulgate rules to implement this statute.

### **North Dakota**

N.D. CENTURY CODE 23-25-01 TO 23-25-03.1

Amends the asbestos law to include lead abatement and remediation, requires the Department of Health to adopt and enforce regulations regarding the administering and enforcing a licensing program for asbestos contractors and lead-based paint contractors, and a certification program for asbestos workers and lead-based paint workers and is given and charged with the following powers and duties:

- To require training of, and to examine, asbestos workers and lead-based paint workers;
- To establish standards and procedures for the licensing of contractors and the certification of lead-based paint workers engaging in the abatement of lead-based paint and to establish performance standards for lead-based paint abatement in accordance with the Code of Federal Regulations.

### **Ohio**

1. Lead Poisoning Prevention

OHIO REV. CODE ANN. §§ 3742.01 to .99, 4745.01 to .03 (Baldwin 2003).

Establishes a childhood lead poisoning prevention program. Provides for the licensure of person performing lead abatement work; the approval of environmental lead laboratories; directs the implementation of a lead poisoning prevention program; and to create the Lead Program fund; among other purposes. Also included in this law:

- clinical laboratories and physicians will be required to report the results of lead screening test to the department of health;
- individuals involved in the lead inspection and abatement industry will be required to be licensed;
- the director of health or local boards of health may inspect structures for lead upon the report of an elevated blood lead level in a child; and
- creates the Legislative Advisory Committee on Environmental Lead Abatement.

### **Oklahoma**

1. Oklahoma Lead-based Paint Management Act  
OKLA. STAT. ANN. tit. 27A §§ 2-12-101 TO 2-12-501 (WEST 1997 SUPP. 1998).

Requires the Environmental Quality Board to establish abatement standards and certification requirements for contractors and workers who perform lead based paint services on target housing or child occupied facilities. Requires the Board to provide accreditation for approved training providers. The law provides for a training schedule and application of fees, forbids training of persons without a license, and provides enforcement. Private homeowners and property owners may use certified contractors to abate, but there is no requirement to inspect and no requirement to abate.

2. Comprehensive Lead Poisoning Prevention Program  
OKLA. STAT. ANN. tit. 63 § 114.1 (WEST SUPP. 1996).

Provides for a public/private task force to review lead poisoning prevention problems within the state and offer advice.

3. The Lead Impacted Communities Act  
OKLA. STAT. ANN. tit. 3 § 371 (2007).

Authorizes the Department of Environmental Quality to make grants, from monies appropriated for that purpose, to state beneficiary public trusts serving communities affected by historic lead and zinc mining and located within the boundaries of federal Superfund sites; to assist parents or legal guardians of children six (6) years of age and younger.

## Oregon

1. Lead-Based Paint Activities  
OR. REV. STAT. §§ 431.920, 701.500 TO 701.515 (2001).

Establishes lead-based paint activity programs to conform with federal law including training, licensing, and registration programs for persons who engage in lead-based paint activities; defines terms; provides for notices as required by federal law; appropriates moneys from the general fund. Other provisions include:

- public education and screening program;
- defines lead-based paint hazard as any condition causing exposure to lead from lead-contaminated dust, soil or paint that is deteriorated and present in accessible surfaces, friction surfaces, or impact surfaces; and
- directs the state to establish an accreditation program for lead-based paint activities training programs, certification and licensing of lead-based paint contractors pursuant to EPA standards.

## Pennsylvania

1. Plumbing System Lead Ban and Notification Act  
PA. STAT. ANN. tit. 35 §§ 723.12 to 723.18 (Purdon 2004).

Prohibits the sale of certain leaded materials used in plumbing and provides for public notice of the potential for lead contamination of drinking water.

2. Lead Occupation Accreditation and Certification  
PA. STAT. ANN. tit. 35 §§ 5901 to 5916 (Purdon Supp. 1996).

Requires certification of individuals engaged in lead-based paint activities; establishes minimum training requirements; requires training for accredited persons; establishes minimum performance

and enforcement standards; requires licensing of lead contractors; establishes interim regulations and fees for accreditation, certification and licensure. Other provisions include:

- requires adherence to EPA clearance standards, abatement procedures, and training, certification and accreditation requirements;
- prohibits persons to perform lead-based paint activities without a license;
- requires reciprocity with other states with substantially similar standards for accreditation and certification;
- provides for penalties for each day of violation; each day a separate violation; and
- provides for notification to the state 5 days prior to an abatement.

## **Rhode Island**

### **1. Lead Poisoning Prevention Act**

R.I. GEN. LAWS §§ 23-24.6-1 to 23-24.6-27 (2002).

Primary components of the law include an expanded childhood lead screening and diagnosis program, an environmental management and primary prevention program, and mechanisms for funding. Specifics of the screening component include:

- requiring all physicians to screen children under 6 years at designated intervals;
- requiring licensed child care providers, nursery schools and kindergartens to obtain evidence of screening for lead poisoning for each child;
- that all samples be analyzed at a Department of Health (DOH) lab;
- that cases diagnosed with EBL be reported to DOH; and
- requires DOH to certify all laboratories performing blood lead analysis.

Specifics of the environmental management and primary prevention component includes:

- DOH to promulgate regulations regarding lead inspections, including notification of inspections to owners/occupants and DOH;
- all preschools, day care, nursery schools, and kindergartens by lead free or lead safe as a condition of licensure;
- inspections being authorized as part of treatment and follow-up for lead poisoned children;
- DOH to promulgate regulations for lead hazard reductions, clean-up and containment, including safety requirements for workers, and the creation of at least one lead paint waste repository;
- all lead inspectors and lead hazard reduction workers be licensed or certified and training courses be certified by DOH;
- disclosure of lead hazards to potential buyers or leasers of a property;
- requiring DOH to develop educational materials for Realtors.

Specific of the funding component include:

- DOH laboratories to bill and be reimbursed by third parties;
- DOH creating fees to operate licensure and certification program.

### **2. Occupational Health Lead Protection Act**

R.I. GEN. LAWS §§ 23-24.7-1 to 23-24.7-2 (1996).

Requires that any contractor funded by the state be responsible for compliance with all state and federal laws and regulations.

### **3. General requirements relating to the safe and sanitary maintenance of parts of dwellings and dwelling units - lead-based paint**

R.I. GEN. LAWS § 45-24.3-10 (1991).

Prohibits the use of LBP in dwellings with surfaces accessible to children under 6 years, and provides for inspection and abatement procedures for emergency situations. Specifics of the statute include:

- defining "lead-based substance" as materials containing lead in excess of 0.5% of lead by weight;
- provisions for emergency abatements, if child occupying the property is suffering lead poisoning.

**3. Lead Paint Removal Revolving Fund**  
R.I. GEN. LAWS § 42-55-27 (2003).

## **South Carolina**

**1. Lead Poisoning Prevention and Control Act**  
S.C. CODE ANN. §§ 44-53-1310 to 44-53-1480 (Law. Co-op. 1985 and Supp. 1997).

Comprehensive act that prohibits the use of lead in certain items, requires reporting of lead poisoning followed by an inspection, and notification procedures for informing owners/occupants of lead hazards. Specifics of the act include:

- defining "lead-based substance" as surface-coating material containing more than 6/100 of 1% of lead by weight;
- prohibiting the sale and use of lead in toys, furniture, or cooking, eating, or drinking utensils;
- a program for screening of children under 6 years and reporting requirements for physicians;
- requiring the reporting of lead to the state which will perform its own inspection and identify areas in need of correction; and
- requiring the owner to remove or cover the lead hazards within 30 days.

## **Tennessee**

**1. Lead-Based Paint Abatement Certification Act of 1997**  
TENN. CODE ANN. §§ 68-131-401 TO 68-131-406 (MICHIE SUPP.2001).

Directs the Department of Environment and Conservation to establish a certification for lead abatement professionals including individuals and training providers. It gives the department the authority to establish standards for the program, insure compliance with regulations, enforce the program and revise regulations and procedures when necessary. The department is also authorized to establish reciprocity provisions with other states. The program can be no more stringent than the federal program.

## **Texas**

**1. Federal Lead-Based Paint Abatement Funds; Certification Program**  
TEX. REV. CIV. STAT. ANN. art. 9029 (West 1996).

Provides for the Department of Health to promulgate a training, certification and accreditation program for lead based paint activities. Specifics of the program include:

- certification for persons performing lead-based paint activities in target housing;
- setting standards for lead-based paint activities covering reliability, effectiveness, and safety;
- setting standards for accrediting training providers;

- assessment of fees to cover administration costs;
- civil penalties of up to \$10,000 per violation and criminal penalties; and
- the program may meet, but not exceed the federal program.

## 2. Lead-Based Paint Certification Program

TEX. REV. CIV. STAT. ANN. art. 9029 (West 1996).

Amends the 1996 legislation to include child-occupied facilities.

## 3. Environmental Lead Investigations

TEX. HEALTH AND SAFETY CODE ANN. §88.001 (2007)

Addresses follow-up investigations and case management for children with confirmed blood lead levels. This may include inspections of the child's home, child-care facility, or child-occupied facility, as well as guidance to parents, guardians and the medical community on how to limit or eliminate lead hazards.

## Utah

### 1. Lead-Based Paint Remediation

UTAH CODE ANN. § 19-2-104 (2003).

This Act authorizes the Air Quality Board to make rules implementing lead based paint remediation training, certification and performance requirements in accordance with federal law. The Board may also establish work practice certification, and clearance air sampling requirements for persons who conduct lead paint inspections in facilities subject to federal law and establish certification requirements for persons required under federal law to be accredited as inspectors, risk assessors, project designers or abatement workers.

## Vermont

### 1. Childhood Lead Poisoning, Screening, and Lead Abatement Act

VT. STAT. ANN. tit. 18 §§ 1751-1765 (1998).

This act establishes a training and certification program for lead hazard abatement workers within the Department of Health. The act also provides for blood lead screening upon request, inspects and tests for child care facilities, and ensures that lead-based hazards are disclosed prior to sale or lease of housing built before 1978.

Requires owners and managers of rental properties and child care centers to have essential maintenance practices performed by certified contractors in target properties. The act provides for a housing registry, describes essential maintenance practices, and provides for legal incentives for owners to perform the hazard control activities. It also requires insurers to provide liability coverage of lead-based paint hazards.

## Virginia

1. Duties of lead certified contractors  
VA. CODE ANN. § 40.1-51.20 (Michie 1996).

Requires that any licensed contractor or lead inspector notify the department of labor and industry at least 20 days prior to the commencement of an asbestos or lead project. Also requires that the licensed or certified contractor obtain a permit for the project and pay a fee. The licensed or certified contractor must also keep records for thirty years containing details of the project.

2. Certification of Lead Contractors, Professionals and Workers  
VA. CODE ANN. §§ 54.1-500 to 54.1-517 (Michie 1998).

Relates to certification of lead contractors, professionals, and workers. Provides that lead hazard reduction activities meet the requirements of the federal program;

- Lead abatement is defined as any set of measures that is designed to permanently eliminate lead based paint hazards including contaminated dust or soil;
- Lead based paint is defined as paint or surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than .5 percent by weight;
- The Virginia Board for Asbestos and Lead shall approve the criteria for accredited lead training programs and principal instructors;
- This statute does not apply to any person who performs lead based paint activities within a residence which they own unless the residence is occupied by person or persons other than the owner or owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.
- Revises the authority of the Board for Asbestos and Lead to promulgate regulations for lead training, certification and accreditation that are no more stringent than the federal requirements in either proposed or final Environmental Protection Agency rules.

2. Immunity from liability for lead-based paint maintenance; notification to tenants of lead-based paint report

VA. CODE ANN. §§ 8.01-226.7 (2006).

Owners and agents of residential dwellings shall not be liable for civil damages if they:

- Provide tenants with an EPA-approved lead hazard information pamphlet;
- Discloses any known lead-based paint and/or lead-based paint hazards;
- Maintained the lead-based paint surfaces in accordance with the International Property Maintenance Code; and
- If a public housing authority, met all other applicable federal requirements.

3. Establishing protocols for lead poisoning prevention

VA. CODE ANN. §§ 32.1-46.1 (2007).

Requires the Board of Health to establish protocols for the identification of children at risk for elevated blood-lead levels, requiring testing at appropriate ages and frequencies and requiring physicians to make available information on the dangers on lead poisoning, along with a list of available resources, as part of well check visits for all children.

4. Establishing protocols for lead poisoning prevention

VA. CODE ANN. §§ 55-248.39 (2007).

Requires landlords to maintain painted surfaces of dwelling units in compliance with the International Property Maintenance Code of the Uniform Statewide Building Code. The landlord's failure to meet this standard is enforceable and entitles the tenant to terminate the agreement.

## Washington

### 1. Lead Based Paint Activities

WASH. REV. CODE § 70.103.010 TO 70.103.090 (2003).

Establishes a lead-based paint activities program within the department of Community, Trade, and Economic Development to protect the general public from exposure to lead hazards and to ensure the availability of a trained and qualified work force to identify and address lead-based paint hazards. The program shall be consistent with the Federal Lead-Based Paint Hazard Reduction Act (Title X) and may not be more restrictive than corresponding state or federal regulations. The act also provides for a lead paint account in the treasury to store moneys received through program receipts which can only be spent for purposes described in the act.

## West Virginia

### 1. Lead Based Paint Abatement

W. VA. CODE §§ 16-35-1 to 16-35-13 (2002).

Establishes the West Virginia “Lead Abatement Act” which requires the director of the West Virginia division of health to propose rules to implement a training, accreditation and certification program for lead abatement contractors, supervisors or workers, lead inspectors, lead risk assessors and lead abatement project designers. Requires a license to work in any of the above listed disciplines. The act also provides for suspension or revocation of licenses. Requires contractors to ensure that his or her employees are properly licensed, that the project is properly supervised, and that proper records are kept. The act exempts homeowners, renovation and remodeling projects and activities covered by OSHA from notification and licensure requirements. The director may also establish requirements for laboratories and lead abatement contractors for mandatory reporting of any person medically confirmed elevated blood level. The act also requires notification to the division of health by the person responsible for the building where a lead abatement project is to occur.

## Wisconsin

### 1. Lead Poisoning Prevention

WIS. STAT. §§ 254.11 to 254.30 (1999).

Comprehensive act relating to lead poisoning prevention. Prohibits certain uses of lead, provides for reporting requirements, inspection and abatement procedures, grants authority to the Department of Health and Social Services, and enforcement of these provisions. Specifics of the act include:

- prohibits the sale or use of lead bearing paints;
- requires that any person who has found a person to have lead poisoning or lead exposure shall report to the department of health in the region where the person resides;
- requires that the results of any screening for lead of a child under the age of six shall be reported to the department of health;
- requires the department of health to fund educational programs about the dangers of lead poisoning, lead poisoning or lead exposure screening, and enforcement act and rules;
- allows the department to promulgate rules regarding lead inspections;
- allows the department to establish rules for the certification of person who perform lead hazard reduction or lead management;
- requires that for certification persons must comply with state and federal regulations and must complete an accredited training course and pay a fee;
- requires that courses be accredited and pay a fee to be considered as qualifying persons for certification.

NOTE: The above abstracts state statutes governing lead hazard reduction, lead abatement, lead disposal, or lead poisoning. This report is the property of The National Conference of State Legislatures (NCSL) and is intended as a reference for state legislators and their states. NCSL makes no warranty, expressed or implied, or assumes any legal liability or responsibility for third party's use of this information, or represents that its use by such third party would not infringe on privately owned rights.

